IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

W.P.(C).No.30471 of 2006(S)

PETITIONER:-

ASHOK KUMAR, S/O.GANGADHARAN NAIR,
AGED 50, MANAGING EDITOR, KARSHAKA SAKTHI,
B.P.NO.III/1128, FARMER'S MARKET BUILDING,
THEMBAMUTTAM, BALARAMAPURAM.

BY ADV. SRI.K.RAJAGOPALAN NAIR
SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:-
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1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE AGRICULTURE PRODUCTION (COMMISSIONER)
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL SECRETARY,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SRI.P.K.BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF SCHEMES TO BE IMPLEMENTED FOR 2006-2007 BY DEPARTMENT OF AGRICULTURE.

EXT.P2 - TRUE COPY OF D.O.NO.TD(1)30054/2006 DATED 13.7.2006 BY RESPONDENT NO.2.

- TRUE COPY -

V.K.Bali,C.J. & S.Siri Jagan,J.

W.P.(C).No.30471 of 2006-S

Dated, this the 22nd day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

This writ has been filed under Article 226 of the Constitution of India by way of public interest litigation. The petitioner being the Managing Editor of magazine to espouse the cause of agriculture has filed the petition to protect the interest of public for the sake of agriculture. It is the case of the petitioner that the budget allocation for agriculture would lapse due to the delay in granting administrative sanction for the schemes formulated by the department of agriculture. The sanction has to be accorded by empowered committee, whose Chairman is the 2nd respondent. In this financial year budget allocation for agriculture was made and even after a lapse of 7 months when the petition was filed and the financial year would come to an end on 31.3.2007, only 10% of the budget allocation has been spent on agriculture.

2. When the matter came up for hearing before us on 17.11.2006, Government Pleader was asked to have instructions in the matter. On 4.1.2007, Government Pleader sought time to file counter affidavit and the matter was adjourned to 15.1.2007. On 15.1.2007 when the matter came up for hearing, finding that no counter affidavit has been filed by the State, Court granted a final opportunity to file counter affidavit. So far, no counter has been filed. Today, learned Government Pleader, however, contends that there is some difficulty for granting administrative sanction and that efforts are being made to grant the required administrative sanction.

3. The facts contained in the petition have not been disputed, but what appears to be the case of the State is that administrative sanction would take some time. As we have already mentioned, the financial year would come to an end on 31.3.2007 and any further delay in the matter would make the budget allocation lapse, thus, causing immense loss to the agriculture. We may mention that this Court has found in the newspapers that farmers are committing suicide for inadequate facilities provided to them. Considering the totality of the facts

and circumstances of the case, we direct the State to grant administrative sanction within seven days and spend the budget allocation amount within this financial year.

The writ petition is disposed of as indicated above.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-